

PATENT

REMARKS

This paper is responsive to a final Office action dated December 23, 2004. In that action, claims 1-11, 16, 17, 19, 21-25, 27-32, 34 and 37-42 were allowed and claim 36 was rejected.

Applicant appreciates the allowance. Rejection of claim 36 is traversed.

Claim Rejection -35 U.S.C. § 112, first paragraph

The Office has rejected claim 36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses.

Although the Office correctly states the legal standard for written description, namely that the subject matter claimed must be described in the specification in such way as to reasonably convey that the inventor(s), at the time the application was filed, had possession of the claimed invention (*see generally, Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555 (Fed. Cir. 1991); *see also*, MPEP 706.04(c)), the Office has apparently ignored the actual written description of the application.

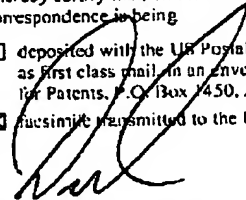
In particular, Applicant respectfully notes that the subject matter that the Office alleges is "not described in the specification in such way as to reasonably convey that the inventor(s), at the time the application was filed, had possession of the claimed invention" is in fact **presented as originally filed claim 36**. At least that original presentation constitutes the required written description. Applicant respectfully notes that it is well established that originally presented claims, indeed even drawings, constitute written description for purposes of the statute. Therefore, based simply on the written description provided by originally presented claim 36, the rejection must be withdrawn. Nonetheless, for avoidance of doubt, Applicants have incorporated the language of originally presented claim 36 into the body of the specification by way of amendment. No new matter is added as the amendment draws directly from the language of originally presented claim 36.

To be fair, Applicant notes that claim 36 was amended during prosecution to more clearly recite that the writable store defined on the integrated circuit during fabrication is suitable for "delimiting, at runtime, a subset of addressable memory from which

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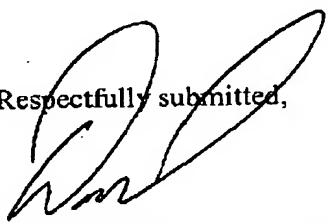
storage is dynamically allocable." That amendment conformed the language of claim 36 with that of other allowed claims and the Office cannot (and has not) seriously argue(d) that either suitability for *runtime* delimiting or *dynamic allocation* from the addressable memory is not clearly and unambiguously supported in the application as filed. Therefore, claim 36 (as originally presented and as subsequently amended) derives its required written description support from the text of the application as originally filed. As a result, Applicant respectfully requests withdrawal of the section 112 rejection.

All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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 David W. O'Brien	<u>23 Mar 05</u> Date

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Respectfully submitted,



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